

REMARKS

Applicant appreciates the courtesy extended by Primary Examiner Jeffrey S. Parkin, during two separate telephone interviews with Applicant's representatives, Xu Zhang and Cecilia Lopez-Chua, on December 20, 2005 and April 28, 2006, respectively.

During the first interview conducted with Xu Zhang, Examiner Parkin expressed concerns over the relative nature of the salt and protein conditions used in the capsid assembly triggering process and suggested that Applicant "provides further clarification concerning the various salt concentrations in the various solutions employed to avoid ambiguity or confusion.

In the second interview, Examiner Parkin advised Applicant's representative, Cecilia Lopez-Chua, to file a Request for Continued Examination (RCE) application to include an amended claim 1 and a new claim 25. In addition, Examiner Parkin proposed that Applicant's representative should contact the Examiner after one month of the RCE filing to discuss the application further.

Claims 1, 4, 7-8 and 11-12 remain pending. New claim 25 has been added. In addition, claims 2-3, 5-6, 9-10, and 13-18 are cancelled and claim 19-24 are withdrawn, from consideration. Applicant requests rejoinder of the withdrawn claims upon allowance of the pending claims.

The amendments to the claims and addition of the new claim are supported by the entire specification, particularly at Example 2 of the specification. Applicant respectfully submits that the above amendments do not introduce new matter. Accordingly, Applicant respectfully requests the Examiner to enter these amendments.

Claim Objection

The Examiner objected to the recitation of the abbreviated term of human immunodeficiency virus (HIV) in claims 1, 4, 7-8 and 11-12. To overcome this objection, Applicant has appropriately amended the claim language in claim 1 to properly define this term.

Based on the foregoing, Applicant respectfully submits that this objection is rendered moot. Accordingly, reconsideration and withdrawal of this objection is, respectfully requested.

Rejection Under 35 U.S.C. § 112 (Second Paragraph)

At pages 1-2 of the Office Action, the Examiner rejected claims 1, 4, 7-8 and 11-12 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection.

In rejecting the above-mentioned claims, the Examiner asserted that the viral assembly triggering process of “rapidly increasing the salt concentration” is vague and indefinite to a skilled person. In addition, the Examiner contends that the phrase “rapidly increasing the salt concentration” is “relative.” Consequently, the Examiner has required the Applicant to explain certain parameters used in the assay, *e.g.*, what constitutes a rapid increase in salt concentration and what salts are to be employed in the assay. Besides these parameters, the Examiner, during the first telephonic interview with the Applicant’s representative, Xu Zhang, expressed concerns over two additional issues, namely, the concentrations of added salt that would induce self-assembly and concentrations of the capsid protein that would result in self-assembly (see page 3 of the Office Action Summary mailed November 29, 2005).

At the outset, method claim 1, as amended, now recites a capsid assembly triggering process that is performed by rapidly increasing the salt concentration in the HIV capsid protein solution such that when capsid assembly occurs, the final concentration of the salt concentration is at least 1 M sodium salt. As illustrated in Example 2 and Figure 4 of the specification, the capsid assembly triggering process can be detected within 20 seconds after salt increase. In addition, the specification, at pages 18-24, teaches that the capsid assembly can be triggered at a salt concentration range that ranges from 45 μ M – 2.25M sodium salt and at a capsid protein concentration that ranges from 38 – 350 μ M.

Accordingly, a skilled person, upon reading the specification and claims, would understand what comprises a rapid increase of salt concentration, what salts are to be employed in the assay, and the concentration of added salt and capsid protein that would induce and result in self-assembly.

In light of the aforementioned remarks and claim amendments, Applicant respectfully submits that claim 1, as well as its dependent claims, is clear and definite. Reconsideration

and withdrawal of the rejection based on section 112, second, paragraph, is earnestly requested.


CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly requested. A fee for a three (3)-month extension of time is due for filing this response. The Commissioner is hereby authorized to charge any payment deficiency to Deposit Account No. 19-2380 referring to attorney docket number 057909-011000.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: May 1, 2006


Cecilia A. Lopez-Chua
Registration No. 48,627

Customer No.: 22204
NIXON PEABODY LLP
401 9th Street, N.W.
Suite 900
Washington, DC 20004
202.585.8000